



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,268	02/19/2002	Carolyn M. McNeeley	29939/30057	6115
7590	12/31/2003		EXAMINER	
Scott D. Anderson FOLEY & LARDNER Firststar Center 777 East Wisconsin Avenue Milwaukee, WI 53202-5367			TRAN, KHOA H	
			ART UNIT	PAPER NUMBER
			3634	
DATE MAILED: 12/31/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/079,268	MCNEELEY ET AL.	
	Examiner	Art Unit	
	Khoa Tran	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 September 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,8-18,20-24 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,8,9,11-14,16-18 and 20-23 is/are rejected.
- 7) Claim(s) 10,15,24 and 29-35 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 10, 14, 15, 24, and 29-35 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 8, 10, 14, 15, and 24, the recitation of "or" renders the claims indefinite because it is unclear which one to the two nonequivalent alternatives the applicant is setting forth.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 9, 11-13, 16-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Meer in view of Slingerland Jr. Van Der Meer discloses a turntable comprising a base (11) having a first diameter, a rotatably top (25) coupled to the base having a second diameter, the second diameter is less than the first diameter (see Figure 5), a plurality of ball bearings (18) disposed between the base and the top, the base includes a peripheral groove (19) disposed between the ball bearings and an exterior edge of the base, wherein the groove being configured to catch debris which falls between the top and the base (see lines 76-80). Van Der Meer does not teach a

rotating member disposed between the base and ball bearings. However, Slingerland, Jr. teaches a rotating member (15 and 16) disposed between the base and ball bearings (see Figure 2). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the turntable base of Van Der Meer with the provision of rotating members as taught by Slingerland, Jr. in order to have a free rotation about an axis. With respect to claims 2-4 and 17, it would have been an obvious matter of engineering design choice as determined through routine experimentation and optimization for one of ordinary skill in the art to routinely dimension an offset of the first dimension with the second dimension to be about 1/32, 1/16 or ½ inch for a particular application thus producing no new and unexpected results.

Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Meer in view of Slingerland Jr. as applied to claims 1-4, 9, 11-13, 16-18, and 20 above and further in view of Beaster et al. Beaster et al. teach the rotating member (18) disposed on top of ball bearings having hooks thereon the bottom. See Figure 2. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the rotating member of Van Der Meer in view of Slingerland Jr. with hooks as taught by Beaster et al. in order to secure the top portion of the rotating member with the lower portion of the rotating member.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Der Meer in view of Slingerland Jr. as applied to claims 1-4, 9, 11-13, 16-18, and 20 above and further in view of Humphrey et al. Humphrey et al. teach a turntable

having a secondary storage surface of a cap (16) mounted by brackets (86) on top of the turntable (see Figures 3 and 4). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the top of Van Der Meer to include a secondary storage surface as taught by Humphrey et al. in order to have more supporting surfaces for storage.

Allowable Subject Matter

Claims 10 and 15 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 24 and 29-35 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is an examiner's statement of reasons for allowance:

Claims 10, 15, 24, and 29-35 are allowed over the prior art of record because none of the prior art of record teaches or suggests a turntable possessing the entire combination of features specified by the claims. In particular, there is no teaching or suggestion of the top having projections that are configured to releasably engage with apertures in the rotating member.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicants' arguments with respect to claims 1-4, 8, 9, 11-14, 16-18, and 20-23 have been considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for this Group before a final Office action is (703) 872-9326 and after a final Office action is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Khoa Tran
December 12, 2003



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600